

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|------------------------|---|----------------------------|
| JAMES HAYDEN, |) | |
| |) | CASE NO. 1:17-cv-02635-CAB |
| Plaintiff, |) | |
| |) | JUDGE CHRISTOPHER A. BOYKO |
| v. |) | |
| |) | |
| 2K GAMES, INC. et al., |) | |
| |) | |
| Defendants. |) | |

**REPORT OF PARTIES' PLANNING MEETING UNDER FED. R. CIV. P. 26(f) AND
L.R. 16.3(b)**

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on

May 1, 2019, and was attended by:

Daniel McMullen and Andrew Alexander, counsel for plaintiff James Hayden;

Joshua Simmons, Miranda Means, David Movius, and Matthew Cavanagh, counsel for
defendants 2K Games, Inc. et al.;

2. The parties:

_____ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and
the Court's prior order;

 X will exchange such disclosures by May 15, 2019;

_____ have not been required to make initial disclosures.

3. The parties recommend the following track:

 Expedited X Standard Complex Administrative Mass Tort

4. Pursuant to Local Rule 5.1(c) all documents must be electronically filed absent a showing
of good cause.

5. This case **is not** suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms at this time.
6. The parties ____do/ Xdo not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
7. Recommended Discovery Plan:
 - (a) Describe the subjects, nature and extent of discovery
 - The merits of Plaintiff's copyright infringement claims.
 - Plaintiff's entitlement to statutory and actual damages and the amounts thereof.
 - The merits of Defendants' affirmative defenses.
 - (b) Non-Expert discovery cut-off date: **October 31, 2019**
 - (c) Opening expert reports due date: **December 5, 2019**
 - (d) Rebuttal expert reports due date: **January 16, 2020**
 - (e) Expert discovery cut-off date: **February 13, 2020**
8. Recommended cut-off date for amending the pleadings and/or adding additional parties: **October 1, 2019**
9. Dispositive Motion Dates
 - (a) Recommended dispositive motion date: **March 12, 2020**
 - (b) Recommended opposition memorandum date: **April 9, 2020**
 - (c) Recommended reply memorandum date: **April 23, 2020**
10. Recommended date for a Status Hearing/Settlement Conference: The parties propose a status conference on or about **July 24, 2019**, after the parties have obtained and reviewed the other party's discovery responses. As to a settlement conference, the parties have discussed

settlement but remain very far apart. Thus, the Parties do not believe that a settlement conference would be productive at this time, but may be later in the case after fact discovery is exchanged.

11. Other matters for the attention of the Court:

The parties are working together to negotiate a stipulated order that would govern confidentiality and e-discovery in lieu of Appendix K.

Dated: May 15, 2019

Respectfully submitted,

/s/ Andrew Alexander

Daniel McMullen (Ohio 0034380)
Georgia E. Yanchar (Ohio 0071458)
Andrew Alexander (Ohio 0091167)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
dmcmullen@calfee.com
gyanchar@calfee.com
aalexander@calfee.com

Of Counsel

Kimberly A. Pinter (Ohio 0084277)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Telephone: (216) 622-8200
Facsimile: (216) 241-0816
kpinter@calfee.com

/s/ Joshua L. Simmons

Dale M. Cendali (admitted *pro hac vice*)
Joshua L. Simmons (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
dale.cendali@kirkland.com
Joshua.simmons@kirkland.com

David T. Movius (Ohio 0070132)
Matthew J. Cavanagh (Ohio 0079522)
MCDONALD HOPKINS LLC
600 Superior Avenue, East, Ste. 2100
Cleveland, Ohio 44114
Telephone: 216.348.5400
Fax: 216.348.5474
dmovius@mcdonaldhopkins.com
mcavanagh@mcdonaldhopkins.com

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2019, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notification of such filing to all counsel of record, all of whom are registered ECF participants.

/s/ Andrew Alexander

One of the attorneys for Plaintiff